

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

BARRANCA BUILDERS, LLC,

Plaintiff, Counter-Defendant,

v.

Civ. No. 03-0293 JP/RLP

LB/L-LOS SANTEROS PHASE 1 LLC,  
a Delaware Limited Liability Co., *et al.*,

Defendants, Counter-Plaintiffs,

v.

LB/L-LOS SANTEROS PHASE 1 LLC,

Counter-Plaintiff,

v.

DOYLESTOWN, LLC, a New Mexico Limited  
Liability Company,

Counterclaimant.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the court on Plaintiff Barranca Builders, LLC's ("Barranca") Expedited Motion for Protective Order or to Quash Subpoenas **[Doc. 32]**. The court has reviewed the Motion and Memorandum in Support **[Doc. 33]**, as well as Defendants' Response [Doc. 41] thereto. No Reply was filed by Barranca.

As the title of the motion indicates, Barranca seeks to have the court to quash two subpoenas duces tecum served on non-parties Los Alamos National Bank and Century Financial Services Corporation. See Exhibits 1 & 2 to Motion.

Barranca complains that the subpoenas are overbroad and seek discovery of material that is not relevant to this case. The entities served have raised no objections to the production of documents. A party has no standing to object to subpoenas issued to a non-party, absent some personal right or privilege with regard to the documents sought. *Atlantic Investment Management, LLC v. Millennium Fund I, Ltd.*, 212 F.R.D. 395, 398 (N.D. Ill. 2002); *Beach v. City of Olathe*, 2001 WL 1098032, \*1 (D. Kan. 2001); *Windsor v. Martindale*, 175 F.R.D. 665, 667 (D. Colo. 1997). Barranca has asserted no such privilege and therefore the court will not quash the subpoenas. Similarly, the court will not enter a protective order on the facts as alleged.

IT IS THEREFORE ORDERED that Plaintiff Barranca Builders, LLC's Expedited Motion for Protective Order or to Quash Subpoenas [Doc. 32] is denied.



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RICHARD L. PUGLISI  
United States Magistrate Judge